

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – MAY 20, 2013

The meeting of the Town Council was called to order by Patti Adams, Mayor. Those in attendance in addition to Mayor Adams were Stacey Long, Town Administrator; Rob Witsil, Town Attorney; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken and others listed on sign in sheet.

COURT OF APPEALS Fiscal Year 2014 Tax Assessments. The court of appeals was held open from 7pm until 7:41 p.m. with no one in attendance to appeal their taxes. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to close the court of appeals at that time. All in favor. Motion carried.

Police Department: Cpl. Ober in the absence of Sgt. Litten presented the Statistical Report. He also commented on the publicity that the town has received both online and in the media regarding the K9 program since it began and that Dagsboro is available as a K9 resource. The performance of Officer's Huff and Kurten were noted as being a big part of the success of the Department of Highway Safety program focusing on cell phone use and due to this response there is another program scheduled for June. Cpl. Ober also thanked the town for the floral arrangement sent when the baby was born. Mayor Adams commended Cpl. Ober for the dedication he has shown and especially during his K9 training in Georgia while his wife was expecting.

Planning & Zoning Report:

1. Consideration of site plan approval for a temporary, removable stand for prepared food at 33334 Main Street (Superclean Demo property) American Legion Post #24-Barbeque Chicken Sales. The consideration of the American Legion Post #24 Barbeque Chicken Sales received unanimous approval from P&Z and the motion was made by Councilwoman Flowers and seconded by Vice-Mayor Truitt to approve the site plan for BBQ chicken sales. All in favor. Motion carried.
2. Recommendation on an ordinance to amend Chapter 275, Article IV, Section 21, Subsection (13) of the Municipal Code, entitled "TC-Town Center", to add to the list of permitted uses "Outdoor Sales of Handmade Crafts" and to substitute the date of November 30th for November 1st as the annual date of termination of operations. The recommendation of this ordinance regarding the change of dates received unanimous approval from the P&Z commission. The subject of what is and is not art was discussed at some length regarding the difference between paintings, and other handmade crafts, for example, wood crafting, quilts and ceramics. The possible content of the paintings seemed to be a deciding factor in not allowing them to be included in the classification of "handmade crafts" as what might and might not be offensive. There was also concern by

P&Z that these vendors also obtain a business license with the town and that the vendors also have liability insurance in case of injury. The P&Z also brought up the issue of traffic and parking enforcement at these locations. Attorney Witsil stated that the code made mention that if this did become a problem the permit would be revoked. It was determined that the Town should send letters to the property owners involved in this type of activity addressing the issue of liability insurance for the vendors who use their property. P&Z recommended approval of the draft ordinance

3. Consideration of site plan approval for temporary outdoor sales of handmade crafts at 33307 Main Street (Dagsboro Paint & Wallpaper property) Duke & Barbara Germann. Unanimous approval was given by the P&Z to approve the recommendation for the Germann's proposal once the ordinance amendment discussed above is passed. Upon review of the site plan by the council a motion was made by Vice-Mayor Truitt and seconded by Councilwoman Flowers to approve the site plan for the Germanns with the condition that the ordinance amendment is approved to all "outdoor sales and handmade crafts". All in favor. Motion carried.

Public Hearing & Vote on the following:

An ordinance to amend Chapter 275, Article IV, Section 21, Subsection (13) of the Municipal Code of the Town of Dagsboro, Delaware, entitled "TC-Town Center District" to add to the list of permitted uses "Outdoor Sales of Handmade Crafts" and to substitute the date of November 30 for November 1 as the annual date of termination of operations. Attorney Witsil opened the Public Hearing and after comments by Mr. Germann in regards to the past operation without negative feedback in the 3 to 4 years that they have been doing this at the same location, he sees no reason why it should not continue. Councilwoman Flowers also voiced no objection to the approval of the ordinance. After much discussion by those in attendance and the council with no opposition to proposed ordinance a motion was made by Councilman Connor and seconded by Councilwoman Flowers to approve the ordinance. All in favor. Motion carried.

New Business:

1. **Consideration of renewing Operation & Maintenance contract with Artesian Water Company.** Stacey gave a review of what is done as a part of this contract. There are additional charges of \$300 for lead and copper sampling and \$100 for the On-call 24-7 availability. The cost per month with the necessary charges would be \$871.75 and the \$300 fee for the lead and copper sampling would only be paid if the testing was required. Motion made by Councilman Connor and seconded by Councilman Hansken to renew the contact with Artesian Water Company with the \$300 addition if needed. All in favor. Motion carried.
2. **Review and discussion of draft budgets.** Stacey went over the budget for this year with explanations that the projected permits for developments have not met the expectations, resulting in budget deficits for the General Fund. The projected budget for 2014 was discussed with some expenditures being covered in part by funds allocated from the Water fund for general overhead costs. The budget for the Police was reviewed and since the Lidar was purchased earlier this year it seems to be more than paying for itself. More work will be

done with the General budget with a better idea of revenues vs expenses and any possible shortfalls. The other funds were discussed as well without much discussion.

3. Consideration of renewing HVAC maintenance & service agreement . Stacey gave a summary of the advantages of renewing the contract with Blades on the HVAC system. Motion was made by Councilman Connor and seconded by Vice-Mayor Truitt to do a 2 year renewal with Blades HVAC Services. All in favor. Motion carried.

Old Business:

1. Prince George's Chapel Cemetery Budget amendment. In November of 2012 the Cemetery committee met and reviewed the proposed budget for 2013 and made changes to the expense portion of the budget by splitting the lease amount with the Friends and removing the insurance since that was not part of their perpetual care obligation. Those recommendations were forwarded to the Council and were approved however the amendment to the actual budget was not. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to amend the cemetery budget approved by Prince Georges Cemetery Committee in November. All in favor. Motion carried.
2. Legal update on complaint against Zachary King of 33225 Main Street for property maintenance and repairs. Attorney Witsil gave an update on the Consent order issued on May 2, 2013. A meeting was held at that time with Mr. King concerning the outward appearance of the structure, stating that the structure at 33225 Main Street was unfit for human occupancy, and that the resident must vacate the property. Mr. King signed the consent order and understands the tenant will have to vacate the premises. Mr. King asked Attorney Witsil if he could have assistance from the DPD to remove the tenant from the structure.

Approval of Minutes: Motion by Councilman Connor and seconded by Vice-Mayor Truitt to accept minutes of April 22, 2013. All in favor. Motion carried.

Reports:

Treasurer's: General Fund \$7,880.56, Public Service Impact \$5,451.66, Payroll \$9,735.45, Police Department \$4,700.26, Property Transfer \$8,259.17, CD's \$27,818.06, \$96,738.25, \$5,091.38 MSA Checking and Savings \$981.07, PGC checking \$281.13, savings \$5,362.92, and 3 CD's of \$32,693.51, \$44,672.84 and \$31,721.74 Salle \$6,763.36, and Water checking \$34,855.76, Impact fees \$172,269.70 and Reserve \$34,634.02 Check detail for all funds was also provided. Motion made by Vice-Mayor Truitt and seconded by Councilman Hansken to accept the Treasurer's Report. All in favor. Motion carried.

Administrator: We have received confirmation from Delmarva Power that they will be replacing the existing wiring and receptacles on the new poles in town for the Christmas lights, but there will be no new installations or extensions to expand the Town's Christmas lighting. What we have is all we get and there will be no more additions permitted.

Code Enforcement: A temporary sales permit was issued to Parson's Produce on May 7th to operate at 33334 Main Street. There were 4 grass violations with 3 letters sent and 1 email sent informing the owner of the violations. The demolition is complete at 28359 Dagsboro Road, the Bireley/Hearn property and the inspector is going out next week to examine it.

Building Official: There have been 3 building permits issued, 1 for an above ground pool and deck at 28349 Clayton Street, a permit for a 28x48 single family dwelling and attached 12x15 deck at lot #25 Prince George's Acres and a permit for a wooden fence at 31860 New Street.

Prince George's Cemetery: Mayor Adams, reported that the Prince George's Cemetery committee met on May 18, 2013 and proposed the following recommendations. 3 small signs need to be placed on each gate in accordance with state regulations of the no-smoking policy and as a term of our lease with the State. Since copies of the deed and survey have now been reviewed it is evident that the front portion of the cemetery is the property of the Town we are now in control of matters concerning trees and the proposed fence that is to be constructed. Since the marker points from the deed and survey date back to the 1700's Stacey will find someone to do another survey for the town for a nominal charge. Since there have been recent inquiries into the internment of cremated remains. The committee recommended that up to 4 sealed urns may be buried in a single plot with the stipulations that each opening will be charged the burial permit fee and that it must be done by a professional. Two openings in the earth were reported to the town by the archeological group when the imaging on the cemetery was being done and those openings must be filled. Mayor Adams contacted Mr. Lloyd from Lloyds Memorials and he is not 100% convinced that this is an actual grave. It is the recommendation of the state historical preservation society that since these openings are on the State's portion of the cemetery that these openings be filled with sand, which is a neutral substance and does not compromise the historical aspects of the site. The committee recommended 2 changes to the by-laws, the 1st being deleting the stipulation that close relatives could not serve together on the committee and the 2nd being the removal of term limits for officers. A motion was made by Councilman Connor and seconded by Vice-Mayor Truitt to accept the recommendations of the PGCC committee. All were in favor.

Water Distribution System: On April 22nd a water tap was made for the new DVFD building on Clayton Street and was inspected by URS. On May 7th a letter was sent to 29488 Vines Creek Road and a posting was also done on the property demanding payment for delinquent user and impact fees. On May 16th a certified payment in the amount of \$2436 was received along with a letter of explanation as to why the account was in arrears. The account is now current and the next payment is due on June 16th. A certified letter was sent on May 10th regarding the failure to connect the dwelling at 28401 Clayton Street stating unless application is received by May 22nd the issue will be sent to our attorney for litigation. On May 14th a memo was received from URS regarding the back flow meter issues that were discovered during the inspection done on February 21st. Three individual units were inspected and it was found that when the demand for actual water use was satisfied or became neutral the meters then went into backflow, this results in periodic errors in billings as when the current readings is less than the previous, the system interprets that it was actual usage of a large amount and results in a high bill. Each building is supplied by one 2 inch meter with taps at the

entrance to each unit. No backflow check valves were installed in the beginning as they were not required by code at time of construction. There are 4 buildings out at Savannah Square and there needs to be a check valve at the entrance to each of the existing units. Stacey will get cost figures for the installation of the check valves before the next meeting. The one year water consumption analysis was given. A full year of water readings is now available and the final result is that from April 2012 to April 2013 the amount of unaccounted water is 5 percent. Since we finally have a complete year of water readings with the new meter we are finally in a position to move ahead and approach Millsboro regarding excessive water charges. Attorney Witsil suggested some sort of financial analysis be done and the council asked Stacey to compile the information back to July or August of 2010 when the original meter was deemed defective as to the cost of the replacement meter and also the cost of all the unaccounted for water that has been paid to Millsboro by gallon and cost per gallon. This information will be documented and presented to the council at the June council meeting.

Correspondence: A FOIA complaint that was filed against the Sussex County Council, with reference to meeting agendas and Executive session items.

Executive Session: None

Adjournment: Motion made by Councilman Connor and seconded Vice-Mayor Truitt. All in favor. Motion carried. Meeting adjourned at 9:27 p.m.

Respectfully Submitted,

Duane R. Kenton

Town Clerk